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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>UNITED STATES DISTRICT COURT DISTRICT OF NEVADA</p> <p>CEPHALON, INC. and CIMA LABS, INC., Plaintiffs, vs. WATSON PHARMACEUTICALS, INC. and WATSON LABORATORIES, INC., Defendants. And Related Counterclaims</p>	CASE NO. 3:08-cv-00308-LHR-RAM
		<p><u>JOINT STIPULATION FOR STAY PENDING DEFENDANTS' MOTIONS TO DISMISS IN PARALLEL DELAWARE CASE ; ORDER</u></p> <p>(First Request)</p> <p>Plaintiffs and Counterclaim Defendants Cephalon, Inc. ("Cephalon") and CIMA LABS, INC. ("CIMA") (collectively "Plaintiffs") and Defendants/Counterclaimants Watson Pharmaceuticals, Inc. and Watson Laboratories, Inc. (collectively "Defendants") hereby stipulate, subject to the Court's approval, to stay this Nevada action ("Nevada Case") pending the outcome of the Motions discussed below in the case styled: Cephalon Inc. et al v. Watson Pharmaceuticals, et al, 1:08-cv-0033-SLR ("Delaware Case").</p> <p>WHEREAS, on June 2, 2008, Plaintiffs filed the Delaware Case and on June 3, 2008, Plaintiffs filed this Nevada Case;</p>

1 WHEREAS, the Delaware and Nevada Cases are based on substantially the same
2 facts, circumstances, and causes of action;

3 WHEREAS, on July 15, 2008, Defendant Watson Laboratories, Inc. filed a motion
4 to dismiss the Delaware Case pursuant to Federal Rules of Civil Procedure 12(b)(2) and
5 12(b)(6);

6 WHEREAS, on July 15, 2008, Defendant Watson Laboratories, Inc. filed a motion
7 to dismiss the Delaware Case pursuant to Federal Rules of Civil Procedure 12(b)(6) and
8 12(b)(7);

9 WHEREAS, the Defendants' motions to dismiss (the "Delaware Motions") are
10 pending in the Delaware Case;

11 WHEREAS, the Parties agree that in the event one of the Delaware Motions is
12 granted resulting in dismissal of the Delaware Case, this stay shall be immediately lifted and
13 the parties shall submit a proposed discovery plan and scheduling order to the Court
14 pursuant to Nevada LR 26-1(d) within fourteen (14) days of the entry of an order granting
15 one of the Delaware Motions;

16 WHEREAS, the Parties agree that in the event one of the Delaware Motions is
17 granted resulting in dismissal of the Delaware Case, any ruling on discovery issues by
18 the Court in the Delaware Case shall apply to the Nevada Case;

19 WHEREAS, the Parties agree that in the event one of the Delaware Motions is
20 granted resulting in dismissal of the Delaware Case, discovery taken in the Delaware
21 Case may be used in the Nevada Case as if taken in the Nevada Case;

22 WHEREAS the Parties agree that in the event the Delaware Motions are denied
23 such that the Delaware Case can proceed, the claims and counterclaims in the Nevada
24 Case shall be dismissed without prejudice; and

25 WHEREAS, nothing in the foregoing paragraphs shall limit in any way the right any
26 party may have to seek a consolidation of the Nevada Case with any action or actions
27 pending in another district through the United States Judicial Panel for MultiDistrict
28 Litigation, or otherwise seek to transfer the Nevada Case pursuant to applicable law.

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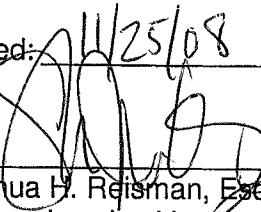
1 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
2 between the Parties hereto, through their respective counsel and subject to the approval
3 of the Court, that the Parties hereby consent to the foregoing and a stay in the Nevada
4 Case is entered pending resolution of the Delaware Motions.

5 IT IS SO STIPULATED:

6 Dated: 11/25/08

7 By: 
8 Michael D. Rounds, Esq.
9 Matthew D. Francis, Esq.
9 WATSON ROUNDS
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Dated: 11/25/08

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20 IT IS SO ORDERED this 3rd day of December, 2008.



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26 LARRY R. HICKS
27 UNITED STATES DISTRICT JUDGE
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